

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

20-CR-05

CHRISTOPHER D. CASACCI,
d/b/a Exotic Cubs.com,
Defendant.

GOVERNMENT'S WITNESS LIST

THE UNITED STATES OF AMERICA, by and through its attorney, James P. Kennedy, Jr., United States Attorney for the Western District of New York, and the undersigned Assistant United States Attorney and Trial Attorney, hereby submit a list of persons whom the government may call as witnesses during the evidentiary hearing scheduled for August 21, 2020, together with a brief summary of each witness' anticipated testimony and expected length of testimony. The witnesses are listed in the order in which the government anticipates they will testify. The government reserves its right to call witnesses not listed and will advise promptly of its intent to do so.

**1. RETIRED LT. ROBERT O'CONNOR
New York State Department of Environmental Conservation Police**

The witness will testify regarding the execution of the search warrant at the defendant's residence on July 5, 2018. The witness will testify that he was the investigative team lead during the search warrant execution, and will discuss instructions that were provided to the defendant and statements made by the defendant during the search warrant. The witness will testify regarding the events on the day of the search warrant, to include his interactions with

the defendant and that the defendant was not in custody during the execution of the search warrant.

The government anticipates that Lt. O'Connor's testimony on direct examination will take approximately 45 minutes.

2. INVESTIGATOR ROBERT J. PEINKOFER
New York State Department of Environmental Conservation Police

The witness will testify regarding the execution of the search warrant at the defendant's residence on July 5, 2018, and that he was the affiant on the search warrant application submitted to Amherst Town Court. The witness will testify regarding instructions that were provided to the defendant and statements made by the defendant during the search warrant. The witness will testify regarding the events on the day of the search warrant, to include his interactions with the defendant and that the defendant was not in custody during the execution of the search warrant.

The government anticipates that Investigator Peinkofer's testimony on direct examination will take approximately 30 minutes.

3. ENVIRONMENTAL CONSERVATION OFFICER SCOTT MARSHALL
New York State Department of Environmental Conservation Police

The witness will testify regarding the execution of the search warrant at the defendant's residence on July 5, 2018, and that he assisted with providing security during the execution of the search warrant. The witness will testify regarding instructions that were provided to the defendant and statements made by the defendant during the search warrant. The witness will testify regarding the events on the day of the search warrant, to include his interactions

with the defendant and that the defendant was not in custody during the execution of the search warrant. The witness will testify that while he was with the defendant, the defendant made statements to him that were subsequently memorialized in a written document.

The government anticipates that Officer Marshall's testimony on direct examination will take approximately 30 minutes.

DATED: Buffalo, New York, August 19, 2020.

Respectfully submitted,

JAMES P. KENNEDY, JR.
United States Attorney

S/ AARON J. MANGO

BY:

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